

1
2
3 BILL NO. X-74-09-24 (As Amended)

4 ANNEXATION ORDINANCE NO. X- 03-74

5 AN ORDINANCE annexing certain territory to the
6 City of Fort Wayne and including the same in
Councilmanic District No. 1

7 WHEREAS, the City of Fort Wayne is desirous of annexing the territory
8 commonly known as the "East End Industrial Area" which is more particularly described hereinafter; and

9 WHEREAS, such territory contains land which is zoned and used for
10 commercial business, and industrial uses; and

11 WHEREAS, more than one-fourth of the aggregate external boundaries
12 of such territory coincide with the boundaries of the City of Fort Wayne; and

13 WHEREAS, the City of Fort Wayne has established a definite policy
14 and has developed a fiscal plan to furnish such territory, upon the effective date
15 of this ordinance, with governmental and proprietary services substantially
16 equivalent in standard and scope to the governmental and proprietary services
furnished by the City of Fort Wayne to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to the territory described herein; and

17 WHEREAS, such territory is needed now and has been needed by the
18 City of Fort Wayne for its development; and

19 WHEREAS, the City of Fort Wayne adopted General Ordinance No. 2447
20 on February 9, 1951, annexing certain territory including that described herein-
after to be effective immediately following its legal publication, which ordinance
21 is now pending before the Circuit Court of Allen County on the question of the validity and sufficiency of a purported remonstrance filed by certain land owners in the area and said remonstrance is now set for hearing on October 18, 1974, on a motion to dismiss filed by the City of Fort Wayne; and

22
23 WHEREAS, in 1951 the Town, now City, of New Haven attempted to
24 annex a certain land including the territory described hereinafter, lying between
it and the City of Fort Wayne, which annexation was held void by the Indiana
25 Appellate Court on December 29, 1971 for the reason that New Haven did not have
26 jurisdiction to effect such an annexation; and

27 WHEREAS, on January 17, 1972, the City of New Haven again attempted
28 to annex said land lying between it and the City of Fort Wayne by an ordinance
which has been challenged by the City of Fort Wayne in the Allen Superior Court
29 on the ground that the said attempted annexation is void, without jurisdiction,
and contrary to the statutes of the State of Indiana.

30 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
31 THE CITY OF FORT WAYNE, INDIANA:

32 SECTION 1. That the following described territory is hereby annexed
33 and made a part of the corporation of the City of Fort Wayne, Indiana, and shall
be and is hereby, considered a part of said city, to-wit:

34 Being part of Section 8, 9, 16, and 17, Township 30 North, Range
35 13 East, and bounded on the north by the Norfolk and Western
Railroad said line also being the existing corporate limits, bounded

on the east by the east line of the west one half of the west one half of Section 9 and 16, Township 30 North, Range 13 East, bounded on the south by Moeller and Meyer Roads, bounded on the west by the Fort Wayne Corporate limits.

More particularly described as follows:

Beginning at the intersection of the north right-of-way line of the Norfolk and Western Railroad and the east line of the West one-half of the northwest one-quarter of Section 9, Township 30 North, Range 13 East, said intersection also being the Fort Wayne corporate limits as established by Annexation Ordinance X-13-68; thence south along the east line of the west one-half of the west one-half of northwest and southwest one-quarters of Section 9, Township 30 North, Range 13 East; thence continuing south along the east line of the west one-half of the west one-half of the northwest one-quarter of Section 16, Township 30 North, Range 13 East, to its intersection with the north right-of-way line of Moeller Road; thence west, along the north right-of-way line of Moeller Road to its intersection with the west right-of-way line of Meyer Road; thence in a southwesterly direction along the west right-of-way line of Meyer Road to its intersection with the south right-of-way line to the Penn Central Railroad and the north right-of-way line of Moeller Road; thence in northwesterly and west direction following the north right-of-way line of Moeller Road to intersection with the existing Fort Wayne corporate limits as established by Annexation Ordinance No. G-106-67; thence in a northerly direction along the existing Fort Wayne corporate limits as described in Annexation Ordinance No. G-106-67 to its intersection with the north right-of-way line of the Norfolk and Western Railroad; thence in an easterly direction along the north right-of-way line of the Norfolk and Western Railroad, said line also being the existing Fort Wayne corporate limits as established by Annexation Ordinances No. X-05-68 and X-13-68, to the place of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 1 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty (60) days after legal publication, and the annexation provided for herein shall take effect on the date General Ordinance No. 2447 of the City of Fort Wayne, Indiana, is ruled to be of no force or effect by a court of competent jurisdiction, or is repealed by proper ordinance of the City of Fort Wayne, Indiana, and should neither one of these events occur prior to January 1, 1975, then and in such event the said annexation shall take effect on January 1, 1975, provided, however, that in the event it is determined prior to January 1, 1975, that the aforesaid remonstrance to General Ordinance 2447 is invalid and/or insufficient, then the effective date of this ordinance shall be stayed pending further action of this Council.


Councilman

Read the first time in full and on motion by Stier, seconded by J. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T. _____

Date: _____

Charles W. Westernman
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Thingo, and duly adopted, placed on its passage. Passed (~~Lost~~) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
BURNS	<u>X</u>	_____	_____	_____
HINGA	<u>X</u>	_____	_____	_____
KRAUS	<u>X</u>	_____	_____	_____
MOSES	<u>X</u>	_____	_____	_____
MUCKOLS	<u>X</u>	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____
SCHMIDT, V.	_____	_____	_____	<u>X</u>
STIER	<u>X</u>	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____

DATE: _____

Charles W. Westernman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. X-03-74 on the 8th day of October, 1974.

ATTEST: (SEAL)

Charles W. Westernman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of October, 1974, at the hour of 1:30 o'clock A. M., E.S.T.

Charles W. Westernman
CITY CLERK

Approved and signed by me this 10th day of October, 1974, at the hour of 2:30 o'clock P. M., E.S.T.

James H. Lindsey
MAYOR

Bill No. X-74-09-24 (as amended)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance
annexing certain territory to the City of Fort Wayne and including the same
in Councilmanic District No. 1

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

James S. Stier - Chairman

Vivian G. Schmidt - Vice-Chairman

Donald J. Schmidt

Eugene Kraus, Jr.

Paul M. Burns

James S. Stier
Vivian G. Schmidt
Donald J. Schmidt
Eugene Kraus, Jr.
Paul M. Burns

DATE 10-8-74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

1
2
3 BILL NO. X-74-09- 24

4 ANNEXATION ORDINANCE NO. X- _____

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6 City of Fort Wayne and including the same in
7 Councilmanic District No. 1

8 WHEREAS, the City of Fort Wayne is desirous of annexing the territory
9 commonly known as the "East End Industrial Area" which is more particularly described hereinafter; and

10 WHEREAS, such territory contains land which is zoned and used for
11 commercial business, and industrial uses; and

12 WHEREAS, more than one-fourth of the aggregate external boundaries
13 of such territory coincide with the boundaries of the City of Fort Wayne; and

14 WHEREAS, the City of Fort Wayne has established a definite policy
15 and has developed a fiscal plan to furnish such territory, upon the effective date
16 of this ordinance, with governmental and proprietary services substantially
17 equivalent in standard and scope to the governmental and proprietary services
18 furnished by the City of Fort Wayne to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to the territory described herein; and

19 WHEREAS, such territory is needed now and has been needed by the
20 City of Fort Wayne for its development; and

21 WHEREAS, the City of Fort Wayne adopted General Ordinance No. 2447
22 on February 9, 1951, annexing certain territory including that described herein-
23 after to be effective immediately following its legal publication, which ordinance
24 is now pending before the Circuit Court of Allen County on a purported remon-
25 strance filed by certain land owners in the area and said remonstrance is now set
26 for a hearing on October 18, 1974, on a motion to dismiss filed by the City of Fort
Wayne; and


27 WHEREAS, in 1951 the Town, now City, of New Haven attempted to
28 annex a certain land including the territory described hereinafter, lying between
29 it and the City of Fort Wayne, which annexation was held void by the Indiana
Appellate Court on December 29, 1971 for the reason that New Haven did not have
jurisdiction to effect such an annexation; and

30 WHEREAS, on January 17, 1972, the City of New Haven again attempted
31 to annex said land lying between it and the City of Fort Wayne by an ordinance
32 which has been challenged by the City of Fort Wayne in the Allen Superior Court
33 on the ground that the said attempted annexation is void, without jurisdiction,
34 and contrary to the statutes of the State of Indiana.

35 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory is hereby annexed
and made a part of the corporation of the City of Fort Wayne, Indiana, and shall
be and is hereby, considered a part of said city, to-wit:

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Being part of Section 8, 9, 16, and 17, Township 30 North, Range 13 East, and bounded on the north by the Norfolk and Western Railroad said line also being the existing corporate limits, bounded on the east by the east line of the west one half of the west one half of Section 9 and 16, Township 30 North, Range 13 East, bounded on the south by Moeller and Meyer Roads, bounded on the west by the Fort Wayne Corporate limits.

More particularly described as follows:

Beginning at the intersection of the north right-of-way line of the Norfolk and Western Railroad and the east line of the West one-half of the northwest one-quarter of Section 9, Township 30 North, Range 13 East, said intersection also being the Fort Wayne corporate limits as established by Annexation Ordinance X-13-68; thence south along the east line of the west one-half of the west one-half of northwest and southwest one-quarters of Section 9, Township 30 North, Range 13 East; thence continuing south along the east line of the west one-half of the west one-half of the northwest one-quarter of Section 16, Township 30 North, Range 13 East, to its intersection with the north right-of-way line of Moeller Road; thence west, along the north right-of-way line of Moeller Road to its intersection with the west right-of-way line of Meyer Road; thence in a southwesterly direction along the west right-of-way line of Meyer Road to its intersection with the south right-of-way line to the Penn Central Railroad and the north right-of-way line of Moeller Road; thence in northwesterly and west direction following the north right-of-way line of Moeller Road to intersection with the existing Fort Wayne corporate limits as established by Annexation Ordinance No. G-106-67; thence in a northerly direction along the existing Fort Wayne corporate limits as described in Annexation Ordinance No. G-106-67 to its intersection with the north right-of-way line of the Norfolk and Western Railroad; thence in an easterly direction along the north right-of-way line of the Norfolk and Western Railroad, said line also being the existing Fort Wayne corporate limits as established by Annexation Ordinances No. X-05-68 and X-13-68, to the place of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 1 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty (60) days after legal publication, and the annexation provided for herein shall take effect on the date General Ordinance No. 2447 of the City of Fort Wayne, Indiana, is ruled to be of no force or effect by a court of competent jurisdiction, or is repealed by proper ordinance of the City of Fort Wayne, Indiana, and should neither one of these events occur prior to January 1, 1975, then and in such event the said annexation shall take effect on January 1, 1975.


Councilman





City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Owen Donnelly - Community Planner Date 9-26-74
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - October 1, 1974

COPIES TO:

RE: BILL NO. X-74-09-24

AN ORDINANCE annexing certain territory to
the City of Fort Wayne and including the same
in Councilmanic District No. 1

Your presence is requested on October 1, 1974, at 7:30 o'clock
P.M., Room 124, by the members of the Common Council and James
S. Stier, Chairman of the Standing Committee of Annexation,
in regard to Bill No. X-74-09-24.

It is also requested that you bring along any materials or
information that you may have which will help the Council in
its decision regarding the above bill.

Charlie



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Dave Keller - City Attorney Date 9-26-74
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - October 1, 1974

COPIES TO:

RE: BILL NO. X-74-09-24

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the City of Fort Wayne and including the same
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It is also requested that you bring along any materials or
information that you may have which will help the Council in
its decision regarding the above bill.

Charlie

DIGEST SHEETTITLE OF ORDINANCE Annexation OrdinanceX-74-09-24DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE That the following described territory is hereby
annexed and made a part of the corporation of the City of Fort Wayne, Indiana,
and shall be and is hereby, considered a part of said city to-wit: Being part
of Sections 8, 9, 16 and 17, Township 30 North, Range 13 East and bounded on
the north by the Norfolk and Western Railroad said line also being the
existing corporate limits, bounded on the east by the north and south
centerline of Section 16 and 17, Township 30 North, Range 13 East, a part
being more commonly known as Moeller Road bounded on the west by the Fort
Wayne Corporate Limits more commonly known as Coliseum Blvd., South.

EFFECT OF PASSAGE Property would be made a part of the Fort Wayne Corporate
Limits.

EFFECT OF NON-PASSAGE Property would not become a part of the Fort Wayne
Corporate Limits.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.)

Regulation Appropriations



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

October 11, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of October 15 and October 22, 1974, in both the News Sentinel and Journal Gazette.

Re: Legal Notice for Common Council
of Fort Wayne, Indiana.
Annexation Ordinance - X-03-74
Bill No. X-74-09-24
(As Amended)

General Ordinance No. G-26-74
Bill No. G-74-09-15

Zoning Ordinance No. Z-17-74
Bill No. Z-74-02-09

Please send us five (5) copies of the Publisher's Affidavit from each newspaper.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 3

ANNEXATION ORDINANCE

NO. 6274

Notice is hereby given that on the 8th day of October, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-74-9-24 (AS AMENDED) X-80-74 Annexation Ordinance, to-wit:

BILL NO. X-74-9-24 (As Amended)

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmatic District No. 1.

WHEREAS, the City of Fort Wayne is desirous of annexing the territory commonly known as the "East End Industrial Area" which is more particularly described hereinafter;

WHEREAS, such territory contains land which is zoned and used for commercial business and industrial uses; and

WHEREAS, more than one-fourth of the aggregate external boundaries of such territory coincide with the boundaries of the City of Fort Wayne; and

WHEREAS, the City of Fort Wayne has established a definite policy and has developed a fiscal plan to furnish such territory, upon the effective date of this ordinance, with governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City of Fort Wayne to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to the territory described herein; and

WHEREAS, such territory is needed now and has been needed by the City of Fort Wayne for its development; and

WHEREAS, the City of Fort Wayne adopted General Ordinance No. 2447 on February 9, 1951, annexing certain territory including that described hereinafter to be effective immediately following its adoption, which ordinance is now pending before the Circuit Court of Allen County on the question of the validity and sufficiency of a purported remonstrance filed by certain land owners in the area and said remonstrance is now set for hearing on October 18, 1974, on a motion to dismiss filed by the City of Fort Wayne; and

WHEREAS, in 1951 the Town, now City, of Fort Haven attempted to annex a certain land including the territory described herein lying between 11 and the City of Fort Wayne, which annexation was voided by the Indiana Appellate Court on December 29, 1971 for the reason that Fort Haven did not have jurisdiction to effect such an annexation; and

WHEREAS, on January 17, 1972, the City of Fort Haven again attempted to annex said land lying between 11 and the City of Fort Wayne by an ordinance which has been challenged by the City of Fort Wayne in the Allen Superior Court on the ground that the said attempted annexation is void without jurisdiction, and contrary to the statutes of the State of Indiana;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the territory described hereinafter is hereby annexed and made a part of the corporation of the City of Fort Wayne, Indiana, and shall be and is hereby annexed as a part of said city, to-wit:

Being part of Section 8, 9, 14 and 17, Township 30 North, Range 13 East, and bounded on the north by the Norfolk and Western Railroad said line also being the existing corporate limits

bounded on the east by the east line of the west one-half of the west one-half of Section 9 and 14, Township 30 North, Range 13 East, bounded on the south by Moeller and Meyer Roads, bounded on the west by the Fort Wayne Corporate limits.

More particularly described as follows:

Beginning at the intersection of the north right-of-way line of the Norfolk and Western Railroad and the east line of the West one-half of the northwest one-quarter of Section 9, Township 30 North, Range 13 East; said intersection also being the Fort Wayne corporate limits as established by Annexation Ordinance X-13-42; thence south along the east line of the west one-half of the west one-half of northwest and south one-half of Section 9, Township 30 North, Range 13 East; thence continuing south along the east line of the west one-half of the west one-half of the northwest one-quarter of Section 16, Township 30 North, Range 13 East to its intersection with the north right-of-way line of Moeller Road; thence west along the north right-of-way line of Moeller Road to its intersection with the west right-of-way line of Meyer Road to its intersection with the south right-of-way line to the Penn Central Railroad and the north right-of-way line of Moeller Road; thence in a southerly and west direction following the north right-of-way line of Moeller Road to intersection with the existing Fort Wayne corporate limits as established by Annexation Ordinance No. G-106-47; thence in a northerly direction along the existing Fort Wayne corporate limits as described in its intersection with the north right-of-way line of the Norfolk and Western Railroad; thence in an easterly direction along the north right-of-way line of the Norfolk and Western Railroad, said line also being the existing Fort Wayne corporate limits as established by Annexation Ordinances No. X-95-68 and X-13-42, to the place of beginning.

SECTION 2. Said annexed territory shall be part of Councilmatic District No. 1 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty (60) days after legal publication, and the annexation provided for herein shall take effect on the date General Ordinance No. 2447 of the City of Fort Wayne, Indiana, is ruled to be of no force or effect by a court of competent jurisdiction, or is reversed by proper ordinance of the City of Fort Wayne, Indiana, and should neither one of these events occur prior to January 1, 1975, and in such event the said annexation shall be in full force and effect as hereinafter provided, however, that in the event it is determined prior to January 1, 1975, the aforesaid remonstrance to General Ordinance 2447 is invalid and/or insufficient, then the effective date of this ordinance shall be stayed pending further action of the Council.

JAMES S. STIER, Councilman
Read this third time in full and on motion by Stier, seconded by Hingo, and duly adopted, passed on its passage. PASSED by the following vote:
Ayes: Eight
Burns, Hingo, Kraus, Moses, Nuckolls, D. Schmidt, Stier, Talarico
None
Absent: One
V. Schmitt

CHARLES W. WESTERMAN, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-74-9-24.

Board of Accounts

General Form No. 99 P (Rev 1967)

City of

To NEWS-SENTINEL Dr.

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

er (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

er of lines

2

er of lines

211

er of lines

2

number of lines in notice

215

ES

per line column wide equals 215 equivalent lines at 2884

\$ 61.92

arge for notices containing rule or tabular work (50 per cent of above

ra proofs of publication (50 cents for each proof in excess of two)

1.50

L AMOUNT OF CLAIM

\$ 63.42

COST

e column 11 ems

Size of type 5 1/2 point

sections 2

Size of quad upon which type is cast 5 1/2

and penalties of Ch. 89, Acts 1967,

pregoing account is just and correct, that the amount claimed is legally due, after allowing all just the same has been paid.

19 74

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. Gerken, who, being duly sworn, says that:

He is the Clerk

NEWS-SENTINEL

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was published in said newspaper.

Ft. Wayne Common Council
(Governmental Entity)

To NEWS-SENTINEL Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

2

Body number of lines

211

Tail number of lines

2

Total number of lines in notice

215

COMPUTATION OF CHARGES

215 lines, 1 column wide equals 215 equivalent lines at .2884

\$ 61.92

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 63.42

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date October 22, 1974

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken

that She is Clerk

NEWS-SENTINEL

DAILY

a news-paper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time the dates of publication being as follows:

10/15/22/74

Subscribed and sworn to before me this 22nd day of October 1974

Notary Public

My commission expires October 25, 1975



ub.
oother

M-6:00 PM Friday

9pm

Notice is hereby given that on the 8th day of October, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-74-09-24 (AS AMENDED) X-03-74 Annexation Ordinance, to-wit:

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WHEREAS, more than one-fourth of the aggregate external boundaries of such territory coincide with the boundaries of the City of Fort Wayne; and

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WHEREAS, such territory is needed now and has been needed by the City of Fort Wayne for its development; and

WHEREAS, the City of Fort Wayne adopted General Ordinance No. 247 on February 9, 1931, annexing certain territory including that described hereinafter to be effective immediately following its legal publication, which ordinance is now pending before the Circuit Court of Allen County on the question of the validity and sufficiency of a purported reannexation filed by certain land owners in the area and said ordinance is now set for hearing on October 18, 1974, on a motion to dismiss filed by the City of Fort Wayne; and

WHEREAS, in 1951 the Town, now City, of New Haven attempted to annex certain land including the territory described hereinafter, lying between it and the City of Fort Wayne, which annexation was held void by the Indiana Appellate Court on December 29, 1971 for the reason that New Haven did not have jurisdiction to effect such an annexation; and

WHEREAS, on January 17, 1972, the City of New Haven attempted to annex certain land lying between it and the City of Fort Wayne by an ordinance which has been challenged by the City of Fort Wayne in the Allen Superior Court on the ground that the said attempted annexation is void, without jurisdiction, and contrary to the statutes of the State of Indiana.

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SECTION 1. That the following described territory is hereby annexed and made a part of the corporation of the City of Fort Wayne, Indiana, and shall be and is hereby considered a part of said City, to-wit: Township 30 North, Range 13 East, and bounded on the north by the Norfolk and Western Railroad said line, also being the existing corporate limits, bounded on the east by the east line of the west one-half of the west one-half of Section 9 and 16, Township 30 North, Range 13 East, bounded on the south by Moeller and Meyer Roads, bounded on the west by the Fort Wayne Corporate limits.

More particularly described as follows:

Beginning at the intersection of the north right-of-way line of the Norfolk and Western Railroad and the east line of the West one-half of the northwest quarter of Section 9, Township 30 North, Range 13 East, said intersection also being the Fort Wayne corporate limits as established by Annexation Ordinance No. 247; thence south along the east line of the west one-half of the west one-half of Section 9, Township 30 North, Range 13 East; thence continuing south along the east line of the west one-half of the west one-half of Section 16, Township 30 North, Range 13 East, to its intersection with the north right-of-way line of Moeller Road; thence west along the north right-of-way line of Moeller Road to its intersection with the west right-of-way line of Meyer Road; thence in a southwesterly direction along the west right-of-way line of Meyer Road to its intersection with the south right-of-way line of the Penn Central Railroad and the north right-of-way line of Moeller Road; thence in a northwesterly and west direction following the north right-of-way line of Moeller Road to intersection with the existing Fort Wayne corporate limits as established by Annexation Ordinance No. G-106-47; thence in a northerly direction along the existing Fort Wayne corporate limits as described in Annexation Ordinance No. G-106-47 to its intersection with the north right-of-way line of the Norfolk and Western Railroad; thence in an easterly direction along the north right-of-way line of the Norfolk and Western Railroad, said line also being the existing Fort Wayne corporate limits as established by Annexation Ordinance No. X-65-68 and X-13-63, to the place of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 1 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty (60) days after legal publication, and the annexation provided for herein shall take effect on the date General Ordinance No. 247 of the City of Fort Wayne, Indiana, is ruled to be of no force or effect by a court of competent jurisdiction, or it is repealed by proper ordinance of the City of Fort Wayne, Indiana, and should neither one of these events occur prior to January 1, 1975, then and in such event the said ordinance shall take effect on January 1, 1975, provided, however, that in the event it is determined prior to January 1, 1975, the ordinance is invalid and/or insufficient, then the effective date of this Ordinance shall be stayed pending further action of the Council.

JAMES S. STIER,

Councilman
Read the third time in full and on motion by Stier, seconded by Hingo, and duly adopted, placed on its passage. PASSED BY the following vote:

Ayes: Eight
Burns, Hingo, Kruus, Moses, Nuckles, D. Schmidt, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

CHARLES W. WESTERMAN,
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, on Annexation Ordinance No. X-03-74 on the 8th day of October, 1974.

ATTEST: (SEAL)
Charles W. Westerman, Samuel J. Talarico
City Clerk Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1974.

CHARLES W. WESTERMAN,
City Clerk
Approved and signed by me this 10th day of October, 1974, at the hour of 3:30 o'clock P.M., E.S.T.

IVAN A. LEBAMOFF, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-74 passed by the Common Council on the 8th day of October, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of October, 1974 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of October, 1974.

CHARLES W. WESTERMAN,
City Clerk

SEAL 10-15-72

te Board of Accounts

Council
mental Unit)

County, Ind.

General Form No. 99 P (Rev. 1967)

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

ter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

ber of lines

2

ber of lines

211

ber of lines

2

l number of lines in notice

215

GES

as, 1 columns wide equals 215 equivalent lines at .288¢ per line

\$ 61.92

charge for notices containing rule or tabular work (50 per cent of above)

1.50

xtra proofs of publication (50 cents for each proof in excess of two)

AL AMOUNT OF CLAIM

\$ 63.42

OST

gle column 11 ems

Size of type 5 1/2 point

nsertions... 2

Size of quad upon which type is cast 5 1/2

n and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

Arvilla DeWald

CLERK

19 74

Title

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

OPY OF
INT HERE

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

10/15-22/74

Subscribed and sworn to before me this 22nd day of October 19 74

Notary Public

My commission expires October 25, 1975

Ft. Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	<u>2</u>
Head number of lines	<u>2</u>
Body number of lines	<u>211</u>
Tail number of lines	<u>2</u>
Total number of lines in notice	<u>215</u>

COMPUTATION OF CHARGES

215 lines, 1 columns wide equals 215 equivalent lines at .288¢ \$ 61.92

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 63.42

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date October 22, 19 74

Title Arvilla De Wald CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

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a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

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10/15-22/74

Subscribed and sworn to before me this 22nd day of October, 19 74

My commission expires October 25, 1975

Notary Public

of life.
Get more fun out
— Go out more —
new friends.
people — acquire
Meet new
and
Come
alive

OPY OF
INT HERE

**DON'T RUB
SORE EYES!**

co said